



*United States Attorney
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January 22, 2007

Honorable Michael A. Telesca
United States District Judge
United States District Courthouse
Rochester, New York 14614

RE: James A. Viscardi v. Commissioner
03-MC-6003T

Dear Judge Telesca:

On March 6, 2003 the plaintiff filed a Sharpe Motion For Prompt Hearing And Determination. On April 30, 2003 the Commissioner filed her Response To Petitioner's Petition For A Writ of Mandamus. Per the Response a hearing was scheduled for May 21, 2003.

The Commissioner has informed me that Mr. Viscardi received a favorable decision from the Administrative Law Judge on August 19, 2003. Therefore, I am requesting that this matter be dismissed pursuant to Rule 41 of the Federal Rules of Civil Procedure.

Very truly yours,

TERRANCE P. FLYNN
United States Attorney

By: BRIAN M. McCarthy
Assistant U.S. Attorney

BMM/lap

cc: James Viscardi

SO ORDERED:

S/MICHAEL A. TELESKA
HONORABLE MICHAEL A. TELESKA
UNITED STATES DISTRICT JUDGE
DATED: JANUARY 23, 2007